Supreme Court, U.S.
FILED
AUG 30 1993
OFFICE OF THE CLERK

No. 92-1934

IN THE

Supreme Court of the United States

OCTOBER TERM, 1992

J.M., INDIVIDUALLY,
Petitioner,

- against -

V.C.,
Respondent.

On Petition for a Writ of Certiorari
To the Supreme Court of New Jersey

PETITIONER'S REPLY BRIEF TO RESPONDENT'S OPPOSITION TO MOTIONS FOR LEAVE TO FILE AMICI CURIAE BRIEFS

Harold J. Cassidy, Esq.
Counsel of Record
Cassidy, Foss & San Filippo
225 Broad Street
P. O. Box 896
Red Bank, New Jersey 07701
(908) 741-2525
Attorney for Petitioner

BEST AVAILABLE COPY

Petitioner urges that the three motions submitted by the ninety-two amici curiae be granted.[1] The arguments contained in the three concise briefs are quite pertinent to whether the petition should be granted and are the type of amici briefs which are helpful to this court.

The brief submitted by The World Federation of Doctors Who Respect Human Life and seventeen other amici[2] includes substantial and persuasive authority that demonstrates that the life of a human being begins at conception and a child experiences pain as early as eight weeks after conception. The brief submitted by the University Faculty for Life, and twenty-two other amici[3]

[1] Combined, these amici represent millions of individuals.

[2] American Academy of Medical Ethics; American Life League, Inc.; Canadian Physicians for Life; Catholic Association of Scientists and Engineers; Dentists for Life; International Right to Life Federation; Life Issues Institute, Inc.; National Association of Pro-Life Nurses; National Federation of Catholic Physicians' Guilds; Pharmacists for Life; Philadelphia Catholic Physicians Guild; Philippine Association of Family Physicians in America; Scientists for Life; The Guild of St. Luke, S.S. Cosmas & Damian; and New Zealand Doctors for Life

[3] American Association of Pro Life Obstetricians and Gynecologists, Christian Life Commission of the South Baptist convention, Holston Baptist Association, Libertarians for Life, National Federation of Catholic Physicians Guild, Professor Anthony Andres, Rev. Benedict Ashley, James J. Carberry Ph.D., Prof. William F. Colliton, Jr., M.D., F.A.C.O.G., Professor John M. Finnis, F.B.A., Rev. John F. Harvey, Professor Dianne N. Irving, Ph.D., Mr. Brendan Kelley, Professor C. Ward Kischer, Ph.D., Hanna Klaus, M.D., F.A.C.O.G., Professor Douglas W. Kmiec, J.D., Professor William E. May, Ph.D., Professor Ralph McInerney Ph.D., Edmund

address scientific and philosophical considerations which demonstrates the relevance of the scientific facts to the legal issue of whether the child has rights prior to birth. The brief submitted by Concerned Women of America, and fifty other amici[4] addresses the fact that the question of when life begins has never been decided by this court, that it was specifically reserved by the *Roe* Court for a subsequent court, and that principles of *stare decisis* do not preclude this Court from deciding the substantive issues this case presents.

D. Pellegrino, M.D., Professor Charles Rice, J.D., Edward Sheridan, M.D., F.A.P.A., and Prof. Richard Stith, J.D., Ph.D.

[4] Feminists for Life of America; National Council of Catholic Women; American Family Association, Inc.; International Black Women's Network; Family of the Americas; American Center for Law and Justice; Free Speech Advocates; Coalitions for America; Abortion's Aftermath; American Rights Coalition, Inc.; Catholic Women's League of New Zealand Incorporated; Femcare; Institute for Pregnancy Loss; National Office of Post-Abortion Reconciliation and Healing; Open Arms; Pregnancy Counselling Services Incorporated; Professional Women's Network; Victims of Abortion New Zealand Incorporated; Victims of Choice; Women Affirming Life; Women Exploited by Abortion; Women for Faith and Family; Women for Life; Women for Women; Accion Familiar; Alliance for Life; Apostolatus Unite; Centro de Investigacion y Docencia; Christian Advocates Serving Evangelism; Delaware Lawyers for Life; Delaware Right to Life; Family and Youth Concern; Family Protection Lobby; Facultad de Medicina; Human Life Foundation of New Zealand; Human Life International; Instituto de Ciencias Familiares; Knights of the Southern Cross; March for Life; March for Life Education and Defense Fund; National Institute of Family and Life Advocates; New Zealand Society for the Protection of the Unborn Child Incorporated; Pro-Life Action League; Right to Life League of Southern California; Rockland County Catholic Coalition; Scottish Assocation for Natural Family Planning; Service and Research Foundation of Asia on Family and Culture; Society for the Protection of Unborn Children; Society of St. Vincent de Paul in New Zealand; and World Organization for the Family

All of the amici briefs are pertinent and helpful to this court in deciding whether to grant certiorari. Although the consent of counsel is customarily preferred by the court before the court entertains an amicus curiae brief, in a rare instance where one litigant unreasonably withholds consent, and the issues are of such significant public importance, the public interest must outweigh the personal preferences of the litigant and the motion should be granted.

It is significant that the only reason that respondent argues for denial of the motion is that respondent again states she fails to see the "relevance" of the facts and that this Court has never ruled on these issues. That failure should not bind or guide this nations highest Court.

HAROLD J. CASSIDY, ESQ.
Counsel of Record